

REMARKS

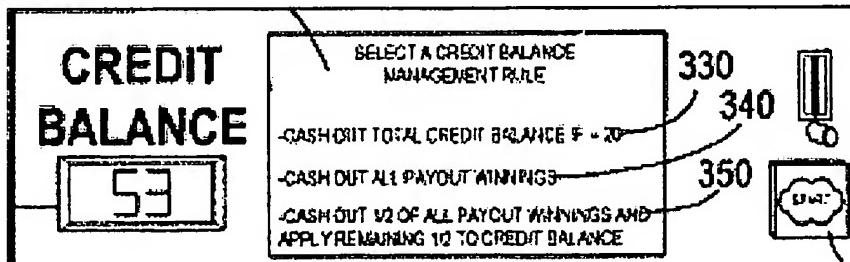
This Response is submitted in reply to the Non-Final Office Action dated January 6, 2009. Please charge Deposit Account No. 02-1818 for any fees due in association with this Response.

The Office Action rejected Claims 1 to 7, 11 to 14, 16 to 27, 29, 32, 34, 38, 39, 42 to 45, 47, 49 to 52 and 55 to 58 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,168,522 to Walker et al. ("Walker"). Applicants respectfully disagree with and traverse this rejection for the following reasons.

Section 706.07 of the MPEP states that: "[b]efore final rejection is in order a clear issue should be developed between the examiner and applicant . . ." [Emphasis added]. Applicants respectfully submit that the Examiner has not sufficiently addressed Walker in view of the currently pending claims. Applicants have responded to this Office Action because at least one element of each independent claim is clearly not disclosed in Walker. However, by responding, Applicants make no admission as to the appropriateness of the rejection and submit that, if the application is not in condition for allowance, a Final Rejection following this Response would be inappropriate.

Walker discloses a gaming device which enables a player to select different balance management rules for one or more plays of a game. Fig. 9 (a portion of which is provided below) of Walker appears to illustrate the specific embodiment referenced by the Office Action. The Fig. 9 text indicates three possible rules 330, 340, and 350 for the player to select. The three possible rules for one or more respective plays of the game include: (i) cashing out the total credit balance if equal to a designated amount; (ii) cashing out all payout winnings; and (iii) cashing out a designated percentage of all payout winnings (e.g., $\frac{1}{2}$) and applying the remaining winnings to the credit balance.

Fig. 9



Walker also discloses another possible balance management rule where a player specifies that the dispensed amount be the difference between the credit balance and a predetermined threshold. For example, the rule may specify that each time the balance exceeds 50 credits, an amount is dispensed to reduce the balance to 50 credits.

For each of the above balance management rules, after a play of the Walker game, credits may be paid: (i) directly from winnings, without being deducted from the credit balance; (ii) directly from the credit balance; and (iii) directly from winnings, with some of the winnings being added to the credit balance.

On the other hand, Claim 1 includes a memory device storing a plurality of instructions, which when executed by the processor, cause the processor to operate with the display device and the input device to: if the player selects the cashout selector, display a cashout menu, the cashout menu simultaneously displaying and enabling a player to select at least two different cashout options including: a first cashout option including a payout to the player of a first amount of a certain credit total associated with a wagering game in a first payout form, and a second cashout option including a transfer of a second amount of the certain credit total to a casino account, wherein the first payout form is different than the casino account and the first and second amounts are both deducted from the certain credit total.

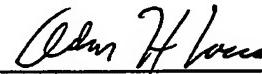
Walker does not disclose a balance management rule in which first and second amounts of a certain credit total are both deducted from the credit balance. Walker only appears to disclose one balance management rule in which credits are paid out from the credit balance (e.g., the entire credit balance if it is a designated amount). In all of the other Walker balance management rules, credits included in a win are either paid out in full or partially added to the credit balance.

Independent Claims 22, 34 and 52 similarly include first and second amounts both deducted from a certain credit total. Accordingly, for at least these reasons, Applicants respectfully submit that Claims 1 to 7, 11 to 14, 16 to 27, 29, 32, 34, 38, 39, 42 to 45, 47, 49 to 52 and 55 to 58 are patentable over Walker and in condition for allowance.

Claims 8 to 10, 15, 28, 30, 31, 33, 35 to 37, 46, 48 and 59 were rejected under 35 U.S.C. § 103(a) as being patentable over Walker in view of U.S. Patent No. 6,511,377 to Weiss ("Weiss"). For the same reasons as above, Applicants respectfully submit that Claims 8 to 10, 15, 28, 30, 31, 33, 35 to 37, 46, 48 and 59 are patentable over the combination of Walker and Weiss and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,
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